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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3211***

***Thursday, April 10, 2008 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Rachelle B. Chong**

**Dian M. Grueneich**

**Timothy Alan Simon**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Monday, April 21, 2008 (San Francisco)	Thursday, April 10, 2008 (San Francisco)
Monday, May 12, 2008 (San Francisco)	Thursday, April 24, 2008 (San Francisco)
Friday, May 23, 2008 (San Francisco)	Thursday, May 15, 2008 (San Francisco)
Monday, June 09, 2008 (San Francisco)	Thursday, May 29, 2008 (San Francisco)
Monday, June 23, 2008 (San Francisco) (Will Be Held)	Thursday, June 12, 2008 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 4, 17, 23, 47, 57

Public Comment:

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Consent Agenda - Orders and Resolutions

**1**

**Res ALJ 176-3211**

[7433]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=322895](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=322895)

**2**

**A06-11-007 - Southern California Edison Company.**

[7371]

For Approval of Results of Summer 2007 Track of its New Generation Request for Offers and for Cost Recovery. This decision awards The Utility Reform Network \$29,617.44 in compensation for its substantial contributions to Decisions (D.) 07-01-041 and D.07-04-049. This proceeding remains open to address the compensation request filed by Californians for Renewable Energy, Inc. (Comr Peevey - ALJ Brown)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=315043](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=315043)

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Consent Agenda - Orders and Resolutions (continued)

- 3**  
[7402] **A05-08-021 - San Gabriel Water Company (San Gabriel).**  
I06-03-001 - Related matters. In D07-04-046 the Commission granted a rate increase to San Gabriel and ordered refunds of certain gains. To correct an error in the computation of refunds the Commission finds that changes are necessary to accurately reflect the 67%/33% ratepayer-company allocation of the gain from the contamination reward received by San Gabriel. The result of these changes are to: a) reduce the rate base in D07-04-046, Appendix A, by \$1,278,600; b) reduce the revenue requirement of D07-04-046, Appendix A, by \$207,300; and c) increase the refund by \$773,122. Application 05-08-021 and Investigation 06-03-001 remain open.  
(Comr Bohn - ALJ Barnett)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325646](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325646)
- 4**  
[7407] **C07-10-002 - James D. Korn vs. AT&T California.**  
The decision dismisses the complaint because the first and second claims are moot and the Commission lacks jurisdiction over the third; several claims suffer from other legal defect. This proceeding is closed.  
(Comr Simon - ALJ Vieth)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=320562](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320562)
- 5**  
[7422] **Res ALJ-212**  
This resolution approves the Phase 2 scoping memo, which recategorizes Phase 2 of this proceeding, Investigation 07-01-022, from the preliminary determination of ratesetting to quasi-legislative.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326196](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326196)
- 6**  
[7423] **A07-02-023 - California-American Water Company.**  
For an Interest Rate of 8.33% for Allowance for Funds Used During Construction for its San Clemente Dam Memorandum. This decision retains the 90-day commercial paper rate for the San Clemente Dam project memorandum account. This proceeding is closed.  
(Comr Peevey - ALJ Bushey)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=320476](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320476)

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Consent Agenda - Orders and Resolutions (continued)

- 7**  
[7427] **Res ALJ-213 - S&S Tool and Supply, Inc. (S&S)**  
Resolution on Appeal of S&S of Clearinghouse Determination of Status Under General Order (GO) 156. The proposed Resolution sustains the appeal and finds S&S, to be an eligible woman-owned business enterprise under GO 156. This appeal is closed.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326082](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326082)
- 8**  
[7428] **A06-02-026 - Golden State Water Company (Golden State).**  
For an Order pursuant to Public Utilities Code Section 851 approving a Settlement in a Water Rights Adjudication, and for an Order pursuant to Section 454 approving the proposed Ratemaking Treatment of the costs of the Adjudication and Settlement. This decision dismisses Application (A) 06-02-026 without prejudice. Golden State's motion to extend the statutory deadline for resolving A06-02-026 and to set a schedule for Phase II is denied. The motion of Gerald Trimble seeking dismissal of A06-02-026 with prejudice is denied. This proceeding is closed.  
(Comr Bohn - ALJ DeAngelis)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325866](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325866)
- 9**  
[7430] **A06-11-005 - Pacific Gas and Electric Company.**  
To Recover Incremental Costs Related to the 2005-2006 New Year's Storms and July 2006 Heat Storm Recorded in the Catastrophic Event Memorandum Account Pursuant to Public Utility Code Section 454.9. This decision grants the unopposed Petition for Modification of Decision 08-01-021. The proceeding is closed.  
(Comr Bohn - ALJ Long)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=318457](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318457)
- 10**  
[7432] **A07-01-045 - Southern California Edison Company (SCE).**  
This decision approves, in part and on an interim basis, SCE's request to add, delete and make revisions to the Direct Access service fees. This proceeding is closed.  
(Comr Peevey - ALJ Smith)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E11605](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E11605)

## Consent Agenda - Orders and Resolutions (continued)

**11 R06-05-027 - Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.**

[7434]

This decision compiles in one document that current Commission-adopted language for the 13 standard terms and conditions used in contracts pursuant to the Renewables Portfolio Standard Program.

(Comr Peevey - ALJ Mattson)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325503](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325503)

**12 R06-08-019 - Order Instituting Rulemaking to Set Hourly Rates for Purposes of Calculating Intervenor Compensation Awards Pursuant to Public Utilities Code Section 1801 and Following, for Work Performed in Calendar Year 2006.**

[7435]

This decision adopts a 3% cost-of-living adjustment for work performed by intervenor representatives in calendar year 2008, discontinues the requirement that utilities submit annual data reports, and addresses other related matters. This proceeding is closed.

(Comr Peevey - ALJ Koss, ALJ Kotz)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E11522](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E11522)

**13 A07-02-026 - Southern California Edison Company (SCE).**

[7436]

This decision grants the application by SCE for approval of a contract that was selected from SCE's fast track request for offers for new generation that could be on-line by August 2010. In its application, SCE seeks approval of two contracts, an offer from Blythe Energy, LLC (Blythe) for up to 490 megawatts (MW) of expected capacity and energy, and an offer from CPV Ocotillo, LLC (CPV) for up to 455 MW of capacity and energy. Due to intervening circumstances regarding the timing on the completion of a study on the delivery of the power from Blythe, this decision only approves the 10-year power purchase tolling agreement (PPA) with CPV and defers consideration of the Blythe PPA to a subsequent decision. SCE requests, and the Commission grants, the authority to allocate the benefits and costs of the CPV PPA to all benefiting customers in accordance with Decision (D.) 06-07-029 and D.07-09-044. This proceeding remains open.

(Comr Peevey - ALJ Brown)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=322415](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=322415)

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Consent Agenda - Orders and Resolutions (continued)

- 14**  
[7437]      **A04-04-008 - Southern California Edison Company.**  
For Approval of Economic Development Rates. A04-06-018, A05-10-010 - Related matters. This decision grants Intervenor compensation of \$13,719.95 to The Utility Reform Network. This proceeding is closed.  
(Comr Peevey - ALJ Barnett)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=311701](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=311701)
- 15**  
[7438]      **A07-12-007 - Broadband Dynamics, LLC (Applicant).**  
This decision grants the request of Applicant for a Certificate of Public Convenience and Necessity to provide limited facilities-based competitive local exchange telecommunications services as a Competitive Local Carrier within the service territories of SureWest Telephone and Citizens Telephone Company dba Frontier Communications of California. This proceeding is closed.  
(Comr Chong - ALJ Patrick)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=317091](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=317091)
- 16**  
[7439]      **A06-12-026 - Southern California Edison Company.**  
For Approval of Advanced Metering Infrastructure Pre-Deployment Activities and Cost Recovery Mechanism. This decision awards compensation to The Utility Reform Network (TURN) for its substantial contributions to Decision 07-07-042. The Commission herein awards TURN \$43,629.66 which is the full amount requested. This proceeding is closed.  
(Comr Grueneich - ALJ Hecht)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=318817](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318817)

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Consent Agenda - Orders and Resolutions (continued)**17** **C07-01-018 - James F. Donahue (Complainant) vs. San Diego Gas & Electric Company**  
[7440] **(Defendant).**

This decision grants Complainant an order to have Defendant relocate a distribution pole defendant placed in Complainant's non-exclusive easement. Defendant had an easement within Complainant's non-exclusive easement, and placed its distribution pole within its own easement. Complainant also seeks compensation for the damage Defendant caused in using its equipment on Complainant's property when Defendant was servicing its facilities. Held: Relief denied. Defendant operated properly when relocating its distribution pole and Defendant acted properly in cleaning up the area in which it worked. This proceeding is closed.

(Comr Chong - ALJ Barnett)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=318776](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318776)

**18** **Res ALJ-214 - Beci Electric Company (Beci)**  
[7441]

Resolution on Appeal of Beci of Clearinghouse determination of status under General Order (GO) 156. This proposed Resolution sustains the appeal and finds Beci to be an eligible woman-owned business enterprise under GO 156. This appeal is closed.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325272](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325272)

**19** **A07-04-019 - Jacob David Binstok dba J.B. Moving (Applicant).**  
[7443]

This decision grants Applicant's request to withdraw his application for a household goods carrier permit. This proceeding is closed.

(Comr Simon - ALJ Reed)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=318382](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318382)

**20** **A07-12-013 - RNK, Inc. dba RNK Communications (Applicant).**  
[7445]

This decision grants Applicant, a certificate of public convenience and necessity pursuant to Pub. Util. Code § 1001 to provide limited facilities-based and resold competitive local exchange and interexchange services, subject to the terms and conditions set forth in the decision. The application is unopposed. This proceeding is closed.

(Comr Chong - ALJ Patrick)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=316911](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=316911)

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Consent Agenda - Orders and Resolutions (continued)

- 21**  
[7446] **A07-11-004 - CURRENT Communications of California, L.P. (Applicant).**  
This decision grants Applicant a certificate of public convenience and necessity pursuant to Pub. Util. Code § 1001 to provide full facilities based and resold competitive local exchange and interexchange services, subject to the terms and conditions. The Commission also specifies a procedure to be followed if Applicant wishes to pursue broadband over-powerline construction activities that involve potential exemptions from environmental review under the California Environmental Quality Act. The application is unopposed. This proceeding is closed.  
(Comr Simon - ALJ Patrick)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326117](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326117)
- 22**  
[7448] **A06-07-026 - Pacific Bell Telephone Company dba AT&T California.**  
For a Commission order exempting AT&T California from the requirements of Public Utilities Code Section 851. This decision awards The Utility Reform Network \$19,248.75 for its substantial contribution to Decision 07-11-048. Application 06-07-026 is closed.  
(Comr Chong - ALJ Grau)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=318226](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318226)
- 23**  
[7449] **C06-03-013 - Pacific Bell Telephone Company dba AT&T California (Complainant) vs. Fones4All Corporation (Defendant).**  
This decision denies the motion of Complainant for an order setting aside disbursements that would otherwise be owed to Defendant. This decision directs Defendant to comply with Decision 07-07-013 within 15 days of the effective date of this order or face the prospect of fines or penalties. This proceeding is closed.  
(Comr Chong - ALJ Malcolm)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326097](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326097)



## Consent Agenda - Orders and Resolutions (continued)

- 24**  
[7450]      **A06-11-003 - Legacy Long Distance International, Inc. (Legacy).**  
On January 28, 2008, Legacy filed a Request for Leave to Withdraw Application. The Consumer Protection and Safety Division (CPSD) did not oppose the request; however, CPSD opposed Legacy's request to withdraw its application "without prejudice." CPSD requested that in all future applications Applicant be required to disclose these proceedings. This decision grants Legacy's request to withdraw its application for a Certificate of Public Convenience and Necessity to operate as a facilities-based competitive local exchange telecommunications services provider in California. However, based on the circumstances of this case, Legacy and/or any of its officers, directors, or owners of more than 10% of outstanding shares shall reference this application, CPSD's protests, and this decision in any future applications for authorization to provide telecommunications services in California. This proceeding is closed.  
(Comr Chong - ALJ Patrick)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 25**  
[7451]      **Res W-4679 - Del Oro Water Company - Stirling Bluffs District.**  
This resolution authorizes a general rate increase to produce additional annual revenue of \$19,614 or 18.5% in test year 2007.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326062](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326062)
- 26 (Rev.)**  
[7452]      **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**  
This decision awards The Utility Reform Network (TURN) \$131,821.83 in compensation for its substantial contributions to the Commission's decision to adopt utility energy efficiency portfolios for 2006-2008. To that end, TURN participated in the Program Advisory Groups and Peer Review Groups established in Decision 05-01-055. TURN had requested \$174,894.17, which is reduced to reflect excessive hours and hours spent on activities that are not compensable. This proceeding is closed.  
(Comr Peevey - ALJ Minkin)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
04/03/2008 - This revision was not shown on the Agenda mailed to the public.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325498](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325498)

## Consent Agenda - Orders and Resolutions (continued)

**27** **R05-06-040 - Order Instituting Rulemaking to Implement Senate Bill No. 1488 (2004 Cal.**  
[7453] **Stats., Ch. 690 (Sept. 22, 2004)) Relating to Confidentiality of Information.**

This decision resolves the three issues left open for consideration in Phase 2 of the proceeding, which is focused on confidentiality of information submitted to the Commission. First, the Commission adopts a model protective order and non disclosure agreement (Model) for all data addressed in the two previous decisions issued in this docket – Decision (D.) 06-06-066 and D.06-12-030. (The Model appears as Appendix A to this decision.) Second, the Commission resolves a Petition for Modification of D.06-06-066 filed on September 7, 2007 by several parties. Third, the Commission ratifies certain rulings made by the assigned Administrative Law Judge regarding the procedure for seeking confidentiality of data covered by D.06 06 066. Due to the pendency of an Application for Rehearing of D.06 12 030, this proceeding shall remain open.

(Comr Grueneich - ALJ Thomas)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326234](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326234)

**28** **Res W-4680 - Rolling Green Utilities, Inc. - Sewer Division**

[7454]

This resolution authorizes a general rate increase in sewer rates of \$26,150 or 32.16% for test year 2006, producing a gross revenue of \$107,462.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326042](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326042)

**29** **A06-08-026 - Southern California Gas Company (SoCalGas), San Diego Gas & Electric**  
[7456] **Company (SDG&E), and Southern California Edison Company.**

For Approval of Changes to Natural Gas Operations and Service Offerings. This decision denies the Petition for Modification of Decision 07-12-019 filed by SoCalGas and SDG&E, for an order modifying certain provisions of the decision regarding the memorandum account treatment of unbundled storage revenues. This proceeding is closed.

(Comr Peevey - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=323077](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=323077)

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Consent Agenda - Orders and Resolutions (continued)

- 30**  
[7457]      **A00-11-038 - Southern California Edison Company.**  
For Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs. A00-11-056 and A00-10-028 - Related matters. This decision addresses the petition to modify Decision (D.) 05-06-060 filed by Pacific Gas and Electric Company (PG&E). The decision grants PG&E's request to modify the decision to allocate 100% of the reduction in the Department of Water Resources' energy costs due to the restructured Calpine 2 contract to PG&E, but denies PG&E's request to open a proceeding to revise the allocation methodology adopted in D.05-06-060. This proceeding is closed.  
(Comr Peevey - ALJ Wong)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325214](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325214)
- 31**  
[7458]      **Res E-4150 - San Diego Gas & Electric Company.**  
This resolution approves the amended Bull Moose Energy, LLC renewable resource procurement contract. This contract is approved without modification. (Advice Letter 1946-E filed November 20, 2007)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326197](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326197)
- 32**  
[7459]      **A08-01-014 - Pacific Gas and Electric Company (PG&E).**  
This interim decision addresses the request of PG&E in its Energy Resource Recovery Account (ERRA) trigger application to increase its ERRA power procurement costs by \$531 million.  
(Comr Peevey - ALJ Wong)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=321300](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=321300)
- 33**  
[7460]      **A06-05-007 - Pacific Gas and Electric Company.**  
For Approval of a Long-Term Core Hedge Program for Core Natural Gas Supplies. This decision awards The Utility Reform Network \$27,557.00 in compensation for its substantial contribution to Decision 07-06-013 and Advice Letter 2841-G. This decision uses a new format for simple intervenor compensation claims. This proceeding is closed.  
(Comr Peevey - ALJ Thorson)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=300427](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=300427)

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Consent Agenda - Orders and Resolutions (continued)

- 34 (Rev.)**      **Res W-4681 - Del Oro Water Company - Walnut Ranch District.**  
[7462]      This resolution authorizes a general rate increase to produce additional annual revenue of \$18,698 or 56.9% in test year 2007.  
                 *Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
                 04/09/2008 - This revision was not shown on the Agenda mailed to the public.  
                 [http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326199](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326199)
- 35**              **A07-10-014 - AboveNet Communications, Inc. (Applicant).**  
[7463]      Pursuant to Pub. Util. Code § 1001, Applicant seeks to expand its certificate of public convenience and necessity (CPCN) to obtain authority to provide full facilities based local exchange services and rely upon an expedited process for environmental review for certain proposed construction projects. The Commission grants the requested authority to expand Applicant's CPCN to include full facilities-based services, subject to the requirements and conditions stated below. The Commission also specifies a procedure to be followed if Applicant seeks to pursue full facilities-based construction activities that involve potential exemptions from environmental review under the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. The exemption procedure is limited to full facilities-based construction projects not exceeding five miles. This proceeding is closed. (Comr Simon - ALJ DeAngelis)  
                 *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                 [http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=318473](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318473)
- 36**              **Res E-4149 - San Diego Gas & Electric Company (SDG&E).**  
[7468]      This resolution approves SDG&E's request to confirm the reappointment of Mr. H. Wesley Pratt to serve on its Nuclear Decommissioning Master Trust Committee. (Advice Letter 1948-E, filed November 27, 2007.)  
                 [http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=321940](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=321940)
- 37 (Rev.)**      **R06-04-010 - Order Instituting Rulemaking to Examine the Commission's Post-2005 Energy Efficiency Policies, Programs, Evaluation, Measurement and Verification, and Related Issues.**  
[7469]      This decision awards \$32,065.00 in compensation to the Utility Consumer Action Network for contributions to Decision (D.) 05-09-043, D.05-11-011, and D.06-12-013 and other work in this rulemaking. Proceeding R.06-04-010 remains open.  
                 (Comr Grueneich - ALJ Gamson)  
                 *Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
                 04/09/2008 - This revision was not shown on the Agenda mailed to the public.

## Consent Agenda - Orders and Resolutions (continued)

**38 (Rev.) A07-02-024 - AT&T Communications of California, Inc. (Applicant).**

[7470]

This decision authorizes Applicant to discontinue the provision of residential local exchange telecommunications service and all related telecommunication service offerings within the incumbent local exchange service territory of Pacific Bell Telephone Company, doing business as AT&T California. Applicant was the competitive local exchange carrier affiliate of AT&T Corporation (AT&T) in the state before the merger of AT&T and SBC California. Applicant has complied with the Mass Migration Guidelines adopted by Decision 06-02-021. Its remaining customers who have not selected another carrier will be transferred to AT&T California. The Commission grants Applicant's requests to relinquish both its Carrier of Last Resort status and its Eligible Telecommunications Carrier status, in AT&T California's geographic service area. This proceeding is closed.

(Comr Peevey - ALJ Reed)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

04/09/2008 - This revision was not shown on the Agenda mailed to the public.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=322322](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=322322)

**39**

[7471]

**Res SX-82 - Santa Clara Valley Transportation Authority (VTA).**

This resolution authorizes VTA an exemption from the provisions of Section 9.5 (Audible Warning Devices) of General Order 75-D by altering the bells at three crossings in the City of San Jose. VTA will lower the bells in the northeast, northwest, and southwest quadrants to a minimum height of 8.5 feet from the ground on the warning devices located at Stokes Street (CPUC Crossing No. 82D-5.30). VTA will lower the bells in the northeast and southwest quadrants to a minimum height of 8.5 feet from the ground on the warning devices located at Leigh Avenue (CPUC Crossing No. 82D-5.10). VTA will lower the bells on warning devices located at Fruitdale Avenue (CPUC Crossing No. 82D-5.00) to a minimum height of 8.5 feet from the ground in the northeast, northwest, and southwest quadrants, and to a minimum height of 10 feet from the ground in the southeast quadrant. VTA will also install shrouds covering the northwest face of the bells in the northeast and northwest quadrants of the Fruitdale Avenue rail crossing.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=321046](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=321046)

**40**

[7472]

**Res ST-97 - San Francisco International Airport AirTrain (AirTrain).**

This resolution grants AirTrain's request to deviate from General Order 95 requirements for third rail warning signs. Commission General Order No. 95, Rule 79.5 requires every passenger loading platform to install a sign bearing the words "Danger," "Electric Third Rail," and "Keep Away" in letters at least 3 inches in height. By letter dated February 21, 2008, AirTrain requested to deviate from the language requirement by removing "Third" from the warning sign.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=321620](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=321620)

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Consent Agenda - Orders and Resolutions (continued)

- 41**  
[7474]      **A08-01-017 - TeleQuality Communications, Inc. (Applicant).**  
This decision grants Applicant a certificate of public convenience and necessity pursuant to Pub. Util. Code § 1001 to provide limited facilities based and resold competitive local exchange and interexchange services, subject to the terms and conditions set forth in the decision. The application is unopposed. This proceeding is closed.  
(Comr Chong - ALJ Patrick)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=317284](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=317284)
- 42**  
[7486]      **A07-12-028 - Airvan Transport LLC (Applicant).**  
This decision authorizes Applicant to operate as a passenger stage corporation between points in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, on the one hand, and Los Angeles International, Long Beach, Burbank, Ontario International, John Wayne, and San Diego International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=322826](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=322826)
- 43**  
[7487]      **A07-10-001 - Sol Group Transport LLC (Applicant).**  
This decision authorize Applicant to operate as a passenger stage corporation to transport primarily children between points in the Cities of Atherton, Los Altos, Menlo Park, Mountain View, Palo Alto, Portola Valley, Redwood City, and Woodside; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=322451](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=322451)

**44** **R\_\_\_\_\_ - Order Instituting Rulemaking to Consider Revisions to the Planning Reserve**  
[7491] **Margin for Reliable and Cost-Effective Electric Service.**

This decision opens this rulemaking to review, and modifies it to the extent found to be appropriate, the planning reserve margin (PRM) used for purposes of the Commission's Long-Term Procurement Planning (LTPP) and Resource Adequacy (RA) programs. The Commission does so to bring greater policy clarity and certainty to California's electricity market and to ensure that the Commission's LTPP and RA programs are designed to yield the level of reliability that ratepayers demand. The Commission will examine, among other things, the assumptions and methodology used to set the PRM, whether to recalibrate the PRM periodically, whether to establish a single PRM that applies throughout the service territories of utilities under the Commission's jurisdiction, whether to establish separate short-term and long-term PRMs, and how best to coordinate the Commission's PRM determinations with the needs of the California Independent System Operator.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326026](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326026)

**45** **A01-09-045 - Lodi Gas Storage, L.L.C. (LGS), Western Hub Properties L.L.C., and WHP**  
[7493] **Acquisition Company, LLC.**

For approval of a Secured Long-Term Financing Pursuant to Public Utilities Code Sections 816, 817, 818, 823 and 851. A05-08-031 - Related matters. This decision grants two petitions for modification filed by LGS. The first petition seeks the deletion of Ordering Paragraph (OP) 3(b) from Decision (D.) 03-02-071, and the second seeks the deletion of OP 3(c) from D.05-12-007. The modification petitions have been filed pursuant to a settlement approved in D.08-01-018, which imposed broader reporting obligations on LGS concerning changes in the natural gas storage market than the obligations imposed by the OPs that LGS is now seeking to delete. The decision also grants motions to consolidate Application (A.) 01-09-045 and A.05 08-031, the proceedings in which D.03-02-071 and D.05-12-007 were issued. These consolidated proceedings are closed.

(Comr Peevey - ALJ McKenzie)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=321323](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=321323)

**46** **R05-12-013 - Order Instituting Rulemaking to Consider Refinements to and Further**  
[7498] **Development of the Commission's Resource Adequacy Requirements Program.**

This decision awards Aglet Consumer Alliance \$13,533.53 and The Utility Reform Network \$90,773.00 in compensation for their substantial contributions to Decision 07-06-029, issued in Phase 2, Track 1 of this proceeding. This proceeding remains open for resolution of issues that are pending in Tracks 2 and 3 of Phase 2.

(Comr Peevey - ALJ Wetzell)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=314981](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=314981)



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Consent Agenda - Orders and Resolutions (continued)

- 47**  
[7499]      **A06-02-023 - Golden State Water Company (GSWC)**  
For an order authorizing GSWC to increase rates for water service in years 2007, 2008, and 2009 in its Region II Service Area. This decision dismisses the Order to Show Cause (OSC) that the Commission issued against GSWC in Decision 08-01-020. The OSC directed GSWC to show cause why it should not be fined \$50,000 due to its conduct in the company's most recent general office general rate case, in which GSWC waited until rebuttal testimony to present the principal justification for many of the new general office positions it was seeking. On February 26, 2008, GSWC informed the Commission that it would not contest the OSC and would pay the recommended \$50,000 fine. On March 7, 2008, GSWC and the Water Division, which was prosecuting the OSC on behalf of the Commission, filed a joint motion urging that the OSC should be dismissed in view of GSWC's decisions to pay the \$50,000 and not contest the OSC. This proceeding is closed.  
(Comr Bohn - ALJ McKenzie)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=322513](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=322513)
- 48**  
[7506]      **(ECP) C07-08-015 - Michael and Heather Torquemada (Complainants) vs. Trinity Village Water Company (Defendant).**  
This decision obligates Defendant to furnish a 5/8 x 3/4-inch water meter on the lot purchased by Complainants on August 16, 2006, in the Trinity Village Subdivision at the tariff rate of \$250.00. This proceeding is closed.  
(Comr Bohn - ALJ Ryerson)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=322345](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=322345)
- 49**  
[7513]      **R06-06-028 - Order Instituting Rulemaking into the Review of the California High Cost Fund B Program.**  
This decision grants \$127,994.35 to The Utility Reform Network for its substantial contribution to D.07-09-020 which addresses Phase I issues relating to the California High-Cost Fund B program.  
(Comr Chong - ALJ Pulsifer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=314920](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=314920)



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## Regular Agenda

### Regular Agenda - Energy Orders

**50**

[7293]

**A07-05-020 - Southern California Edison Company (SCE).**

This decision modifies and approves, as modified, SCE's request to conduct a study to evaluate the feasibility of a Clean Hydrogen Power Generation plant. This proceeding is closed.

(Comr Peevey - ALJ Yip-kikugawa)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3208, Item 26 2/14/2008 (Bohn);

Agenda 3209, Item 31 2/28/2008 (Grueneich);

Agenda 3210, Item 21 3/13/2008 (Bohn)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325915](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325915)

**51**

[7364]

**R07-09-008 - Order Instituting Rulemaking to establish the California Institute for Climate Solutions (CICS).**

This decision, by creating the CICS, adopts a bold and innovative approach to expanding California's leadership on this most pressing of environmental issues and will provide significant ratepayer benefits by accelerating applied research and development of practical and commercially viable technologies that will reduce greenhouse gas emissions in order to slow global warming as well as technologies that will allow California to adapt to those impacts of climate change that may be inevitable. Perhaps more importantly, however, CICS will speed the transfer of these technologies from the laboratory to market place. This proceeding is closed.

(Comr Peevey - ALJ Brown)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3210, Item 25 3/13/2008 (Bohn)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=321835](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=321835)

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**Regular Agenda - Energy Resolutions and Written Reports**

- 52**  
[7442] **Res E-4119 - Pacific Gas and Electric Company (PG&E).**  
This resolution approves PG&E's Advice Letter 3078-E submitted to adopt a Reliability Performance Incentive Mechanism (RPIM) reward of \$151,899 for performance year 2006. When it files for its third and final performance year 2007, PG&E is to use the same method of including and excluding outages from the RPIM indices as it did for years 2006 and 2005. Consistent with Resolution E-4003, the 2006 reward results of the RPIM shall be recovered through PG&E's Distribution Revenue Adjustment Mechanism (DRAM). PG&E shall file an internal audit of the data that supports its RPIM filing to confirm that the error rate remains low. (Advice Letter 3078-E filed July 2, 2007)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=320478](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=320478)
- 53**  
[7455] **Res E-4156 - Pacific Gas and Electric Company (PG&E).**  
This resolution approves an agreement between PG&E and State of California Department of Water Resources for demand response during the summers of 2008 and 2009. (Advice Letter 3168-E filed December 3, 2007)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326271](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326271)
- 54**  
[7461] **Res E- 4161 - Pacific Gas and Electric Company.**  
This resolution approves a renewable resource procurement contract. This contract is approved without modification. (Advice Letter (AL) 3143-E filed October 29, 2007, and Supplemental AL 3143-E-A filed February 8, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326043](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326043)
- 55 (Rev.)**  
[7466] **Res E-4160**  
This Resolution has been bifurcated in response to a joint party request and now directs Bear Valley Electric Services (BVES), Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE) to alter collection of a portion of the public goods charge that funds investments in renewable energy. Issues related to setting a limitation on total costs expended above the Market Price Referent (MPR) for BVES, PG&E, SDG&E, and SCE renewable power purchase agreements; and eligibility criteria and guidelines for approving requests for Above-MPR Funds for eligible renewable energy contracts procured through competitive solicitations will be addressed in a future resolution, after a workshop is held. This Resolution is made on the Commission's own motion.  
04/04/2008 - This revision was not shown on the Agenda mailed to the public.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=326136](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=326136)

## Regular Agenda - Communication Orders

56

[7429]

### **R93-04-003 - Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish a Framework for network Architecture Development of Dominant Carrier Networks.**

I93-04-002 - Related matters. This decision resolves outstanding issues in this proceeding relating to the adjustment or "true-up" of interim unbundled network element (UNE) rates to permanent rate levels adopted for Verizon California Inc. in Decision 06-03-025. The issue of adopting a process for re-examination of UNE rates is deferred to a subsequent decision. This proceeding remains open.  
(Comr Peevey - ALJ Duda)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325539](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325539)

57

[7431]

### **C07-09-023 - Jacob David Binstok dba A Admiral Moving/J B Moving (Complainant) vs. Pacific Bell Telephone Company dba AT&T California and Verizon California Inc. (Defendant).**

This decision denies Complainant's request for restoration of two business service telephone lines following disconnection by Defendant, at the direction of the Superior Court for the County of Los Angeles. This decision finds that probable cause has been established to support the termination of the telephone service, and because there is no basis upon which to provide interim relief, the request for restoration of service and the complaint are denied. Complainant's appeal of the Presiding Officer's Decision is denied for failure to set forth any legal or factual error in the decision. This proceeding is closed.

(Comr Simon - ALJ Reed)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code § 1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=318249](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=318249)

58

[7444]

### **A07-06-018 - North American Numbering Plan.**

For Relief of the 760 Numbering Plan Area. This decision denies the requested all services overlay in 760 area code and orders a two-way geographic split to create a new 442 area code. This proceeding is closed.

(Comr Peevey - ALJ Bushey)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code § 1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E11629](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E11629)

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Regular Agenda - Communication Orders (continued)**59****A07-11-014 - Comcast Phone of California, LLC (Applicant).**

[7515]

This decision grants Applicant's request to discontinue providing circuit-switched telecommunications services. The Commission denies SureWest Telephone's request to revoke Applicant's certificate of public convenience and necessity as a condition of approval. This proceeding is closed.

(Comr Simon - ALJ Reed)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=324579](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=324579)

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**Regular Agenda - Legal Division Matters****60 FERC Docket No. RM07-19-000 and AD07-7-000 - Notice of Proposed Rulemaking (NOPR) Wholesale Competition in Regions with Organized Electric Markets.**

[7464]

Staff seeks Commission authorization to comment on Federal Energy Regulatory Commission's NOPR which considers potential reforms to improve the operation of organized wholesale power markets administered by Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs). The Commission's comments will address (1) demand response and market pricing during a period of operating reserve shortage; (2) long-term power contracting; (3) market monitoring policies; and (4) the responsiveness of RTOs and ISOs to customers and other stakeholders.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325551](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325551)

**61 FCC WC Docket No. 05-337, CC Docket No. 96-45**

[7489]

In the Matter of High-Cost Universal Service Support Federal-State joint Board on Universal Service, Notice of Proposed Rulemaking (re: Jt Bd Recommendations), FCC WC Docket No. 05-337, CC Docket No. 96-45, adopted January 16, 2008, released January 29, 2008. The Federal Communications Commission (FCC) seeks comment on recommendations it received from the Federal-State Joint Board on Universal Service pertaining to the structuring of the FCC's Universal Service program. Staff is requesting authority to file comments.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325211](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325211)

**62 FCC WC Docket No. 05-337, CC Docket No. 96-45**

[7490]

In the Matter of High-Cost Universal Service Support Federal-State joint Board on Universal Service, Notice of Proposed Rulemaking (re: Reverse Auctions), FCC WC Docket No. 05-337, CC Docket No. 96-45, adopted January 16, 2008, released January 29, 2008. The Federal Communications Commission (FCC) seeks comment on recommendations it received from the Federal-State Joint Board on Universal Service pertaining to the possibility of modifying the FCC's Universal Service program to employ reverse auctions as a means to provide universal service in a more cost-effective manner. Staff is requesting authority to file comments.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325430](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325430)

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**Regular Agenda - Legislative and Other Matters**

- 63**                    **AB 865 (Davis)**  
[7390]                State agencies: live customer service agents.
- 64**                    **AB 1755 (Fuentes)**  
[7392]                Electricity: rates: transmission assets.  
Agenda 3210, Item 36 3/13/2008 (Staff)
- 65**                    **AB 1973 (Ruskin)**  
[7479]                Public Utilities Commission.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325161](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325161)
- 66**                    **AB 2136 (Mendoza)**  
[7475]                Prepaid calling cards.
- 67**                    **AB 2195 (Brownley)**  
[7478]                Rail transit.
- 68**                    **AB 2307 (Price)**  
[7485]                Telephone services: change in telephone service provider.
- 69**                    **AB 2500 (Strickland)**  
[7477]                Grade separation projects.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325154](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325154)
- 70**                    **AB 2501 (Wolk)**  
[7476]                Water: planning.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=325108](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=325108)
- 71**                    **AB 2768 (Levine)**  
[7483]                Solar energy systems: pricing.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=324563](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=324563)

## Regular Agenda - Legislative and Other Matters (continued)

- 72**                    **AB 2804 (Hayashi)**  
[7482]                California Solar Initiative.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=324574](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=324574)
- 73**                    **AB 2885 (De La Torre)**  
[7484]                Mobile telephone service: prepaid service.
- 74**                    **SB 1438 (Padilla)**  
[7481]                Smart grid systems.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=324897](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=324897)
- 75**                    **SB 1760 (Perata)**  
[7480]                Greenhouse gas emissions.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=324560](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=324560)

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## **Regular Agenda - Commissioner's Reports**



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**Regular Agenda - Management Reports and Resolutions**

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Closed Session - Applications for Rehearing

**76                      Conference with Legal Counsel - Applications for Rehearing**

[7379]                      Compilation of applications for rehearing recently filed with the Commission.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**77                      C06-03-013 - Conference with Legal Counsel - Applications for Rehearing**

[7419]                      Disposition of the application for rehearing of Decision (D.) 07-07-013 filed by Fones4All Corporation (Fones4All) and the request for a stay of D.07-07-013 also filed by Fones4All.  
                                  In D.07-07-013 the Commission granted a complaint filed by Pacific Bell Telephone Company, which does business under the name AT&T California (AT&T), and ordered Fones4All to refund certain monies to AT&T.  
                                  AT&T filed responses to the application for rehearing and to the request for stay.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
                                  Agenda 3210, Item 46 3/13/2008 (Staff)

**78                      R06-03-004 - Conference with Legal Counsel - Applications for Rehearing**

[7495]                      Disposition of Application for Rehearing of Decision (D.) 07-12-007, filed by Californians for Renewable Energy (CARE).  
                                  This decision awarded the Consumer Federation of California (CFC) and CARE \$39,810.98 in compensation for their substantial contributions to D.06-08-028.  
                                  This amount is \$25,942.90 less than the \$65,753.88 originally requested by CARE due to reductions to the hours claimed by CARE and adjustments to the requested hourly rates for CARE attorneys.  
                                  *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

Closed Session - Applications for Rehearing (continued)

**79**

**C07-08-026 - Conference with Legal Counsel - Applications for Rehearing**

[7497]

Disposition of Application for Rehearing and Motion for Stay of Decision (D.) 08-01-031 filed by Pacific Centrex Services, Inc. (PCS). Decision 08-01-031 resolved a Complaint filed by Pac-West Telecomm, Inc. (Pac-West), alleging that it was owed \$133,730.06 plus applicable late payment charges for services Pac-West provided to PCS under its intrastate tariffs. The Decision ordered PCS to pay the requested amount.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

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**Closed Session - Initiation of Litigation - Non-Federal**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.*

**80**

[7299]

**I \_\_\_\_\_ - Conference with Legal Counsel - Initiation of Litigation**

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. (Disclosure of the case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary actions is not commenced.)

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

*Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.*

Agenda 3207, Item 35 1/31/2008 (Staff);

Agenda 3209, Item 42 2/28/2008 (Staff);

Agenda 3210, Item 47 3/13/2008 (Staff)

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**Closed Session - Threatened Litigation - Non-Federal**

Significant exposure to litigation

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

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**Closed Session - Existing Litigation - Non-Federal**

**Closed Session - Threatened Litigation - Federal**

Significant exposure to litigation in federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

**Closed Session - Initiation of Litigation - Federal**

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**81**

[7465]

**Docket No. 2007-OE-02 - Conference with Legal Counsel - Initiation of Litigation**

Southwest Area National Interest Electric Transmission Corridor, U.S. Department of Energy Docket No. 2007-OE-02.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*



**Closed Session - Federal**

**82**

[7383]

**FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation**

California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - FERC Docket No. EL00-95-000, et al.**

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

### **Closed Session - Personnel Matters**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session*